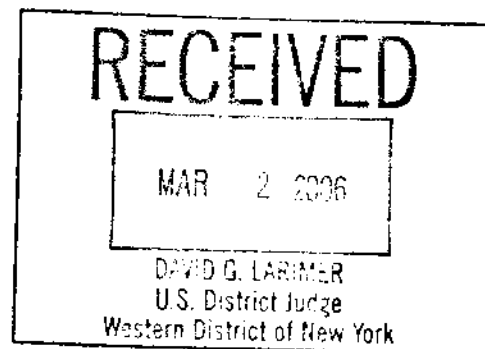


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March 1, 2006

Hon. David G. Larimer, Judge  
United States District Court (WDNY)  
2500 U.S. Courthouse  
100 State St.  
Rochester, NY 14614-1387

Re: Davis v. York, 05-CV-6736

Dear Judge Larimer:

This will confirm that since the New York State Attorney General has refused to appear and waive the "exhaustion" requirement that otherwise applies to habeas proceedings, the above captioned petition is hereby withdrawn as being legally futile at this time.

I thank the Court for its patience in the matter.

Very truly yours,

  
JOHN M. REGAN, JR.

xc: NYS Attorney General (Robert Colon, Esq., of counsel)

*Request granted  
Petition withdrawn  
and dismissed. Case closed  
So ordered  
David G. Larimer  
U.S.D.J.  
3-3-06*